

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
TRUSTEES OF THE UNITED HERE NATIONAL
HEALTH FUND; TRUSTEES OF THE UNITED
HERE NATIONAL RETIREMENT FUND; and
TRUSTEES OF THE LUGGAGE WORKERS
UNION RETIREMENT FUND,

Plaintiffs,

-against-

BAG SPECIALIST, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10-20-07

DEFAULT JUDGMENT
07 Civ. 6188 (RMB)

This action having been commenced on July 3, 2007 by the filing of a Complaint, and copies of the Summons and Complaint having been served upon defendant Bag Specialist, Inc., a New Jersey corporation, by personal service upon Al Wartel, an agent authorized by appointment to accept service, on July 11, 2007, and proof of such service having been filed with the Court on July 17, 2007, and copies of the First Amended Complaint having been served upon defendant Bag Specialist, Inc., a New Jersey corporation, by personal service upon Gloria Branch, Managing Agent at the Office of the Secretary of State of New Jersey, on August 27, 2007, and proof of such service having been filed with the Court on September 26, 2007, and copies of the Second Amended Complaint having been served upon defendant Bag Specialist, Inc., a New Jersey corporation, by personal service upon Harvey Stahl, President, on October 17, 2007, and proof of such service having been filed with the Court on October 24, 2007, and defendant not having appeared, answered or moved with respect to the Complaint, First Amended Complaint or Second Amended Complaint and the time for appearing, answering or moving having expired,

NOW, THEREFORE, upon the application of Mark Schwartz, Esq., attorney for plaintiffs, it is

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the UNITED HERE National Health Fund have judgment against defendant Bag Specialist, Inc. for delinquent contributions for the period of January 2003 through and including December 2005 and August 2006 through and including July 2007 in the principal amount of \$126,122.93, plus interest at one percent (1%) per month or part thereof in the amount of \$16,879.18, liquidated damages of twenty percent (20%) of the delinquent contributions in the amount of \$25,224.59, all totaling \$167,426.70 as of November 1, 2007; and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the UNITED HERE National Retirement Fund have judgment against defendant Bag Specialist, Inc. for delinquent contributions for the period of January 2003 through and including December 2005 and May 2006 through and including July 2007 in the principal amount of \$63,562.17, plus

to be determined by Magistrate Judge Delinger
in the principal amount to be determined by Magistrate Judge Delinger

~~interest thereon at one percent (1%) per month or part thereof in the amount of \$12,995.57, liquidated damages in an amount equal to the interest of \$12,995.57, all totaling \$89,559.91 as of November 1, 2007; and it is further~~

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the Luggage Workers Union Retirement Fund have judgment against defendant Bag Specialist, Inc. for delinquent contributions for the period of January 2003 through and including December 2005 and May 2006 through and including July 2007 in the principal amount of ~~\$28,926.76, plus~~ ^{as determined by} ~~interest thereon at one percent (1%) per month or part thereof in the amount of \$1,276.55, liquidated damages of twenty percent (20%) of the delinquent contributions in the amount of \$5,785.15, all totaling \$38,987.46 as of November 1, 2007; and it is further~~

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the UNITE HERE National Health Fund and plaintiff Trustees of the UNITE HERE National Retirement Fund and plaintiff Trustees of the Luggage Workers Union Retirement Fund have judgment against defendant Bag Specialist, Inc. for costs of the instant action in the amount of \$350.00; and it is further

ORDERED, ADJUDGED AND DECREED that defendant Bag Specialist, Inc. is restrained and enjoined permanently from becoming or remaining delinquent in its contributions to plaintiff Trustees of the UNITE HERE National Health Fund and plaintiff Trustees of the UNITE HERE National Retirement Fund and plaintiff Trustees of the Luggage Workers Union Retirement Fund, and ordering defendant to make such contributions in accordance with the terms and conditions of the Funds' rules and regulations and the collective bargaining agreement between defendant and the Intimate Apparel, Embroidery, Belt & Allied Workers Union, Local 62-32, UNITE, successor in interest to the Luggage & Brush Workers Union, Local 60, I.L.G.P.N. & S.W.U., and such other and further relief as may be proper; and it is further

ORDERED, ADJUDGED AND DECREED that interest continue to accrue at the legal rate from the date that judgment is entered until the judgment is paid.

Dated: 11/20/07
New York, New York

RMB
Richard M. Berman
United States District Court Judge